RG, J

W.P.M.P.No.33342 of 2006
in W.P.No.17794 of 1999

Respondents 6 to 13 in W.P.No.17794 of 1999 filed this petition to take up the matter 'for being mentioned', pleading that in the auction of the lands belonging to Sri Bavaji Matam, Singarayapalem village, Mudinepalli Mandal, Krishna District, respondents 6 to 13 were also declared as the highest bidders along with respondents 14 to 16, and all of them together have deposited the sale consideration, which is kept in deposit with the Andhra Bank, Sriharipuram Branch. It is pleaded that all the respondents 6 to 16 are entitled for refund of the said amount in terms of the orders of this Court in W.P.No.17794 of 1999, however, since there was no specific direction by this Court to refund the amount to respondents 6 to 13 they were not permitted to receive the amounts.

I have heard the learned counsel for both the parties.

No counter affidavit is filed on behalf of the respondents opposing the claim.

The main writ petition was disposed of by order dated 2.11.2005. In the writ petition though respondents 6 to 13 were represented through counsel, no counter affidavit was filed. After hearing both the parties and in the light of the submission of the learned counsel appeared for the respondents 4 to 16 that they are not interested in the transaction and that the respondents may be directed to return the sale consideration received, the writ petition was disposed of setting aside the sale dated 5.5.1999 and directing the respondents 1 to 5 to return the sale consideration collected from the respondents 14 to 16.

The respondents 6 to 13 have claimed in this petition that along with respondents 14 to 16, they were also declared as the highest bidders and deposited the sale consideration, which is in deposit with

the Andhra Bank, Sriharipuram Branch.

If the respondents 6 to 13 also stand on the same footing on par with the respondents 14 to 16, there is no justifiable reason to deprive them return of the sale consideration, which was deposited after being declared as the successful bidders in the auction.

However, since no material is available before this Court to show that the respondents 6 to 13 were also the successful bidders and deposited the amount in question, there shall be a direction to the respondents 1 to 5 to ascertain from the records that the sale consideration was deposited by all the respondents 6 to 16 together in the auction of the lands belonging to Sri Bavaji Matam, and on being satisfied about the entitlement of the respondents 6 to 13, the sale consideration shall be returned to respondents 6 to 13 also along with respondents 14 to 16. In such an event, it is open to the respondents 6 to 13 to make an appropriate application before the District Registrar, Krishna for refund of the stamp duty paid on the sale deed.

The petition is ordered accordingly.

3.1.2007.

Kgr
Registry is directed to dispatch a copy of the
Order to all the parties concerned.

THE HON'BLE Ms. JUSTICE G. ROHINI

W.P.M.P.No.33342 of 2006 in

WRIT PETITION No.17794 OF 2006

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3.1.2007.

Between:

Gottumukkala Viswanadha Raju and others. .. Petitioners.

And

P.S.R. Anjaneyulu and others. .. Respondents.

THE HON'BLE Ms. JUSTICE G. ROHINI

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W.P.M.P.No.33342 of 2006
in W.P.No.17794 of 1999

3.1.2007.